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THE HON'BLE SRI JUSTICE E. DHARMA RAO

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WRIT PETITION NO. 17099 OF 2005

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DATED 03.08.2005

Between:

1. Sri Kalidindi Srinivasa Raju, S/o Kalidindi Laxminarasimha Raju, aged about 36 years, R/o Bhimavaram Village and Mandal, Behind Padmalaya Theatre, West Godavari District

Petitioner

and

1. The Mandal Revenue Officer, Mandavalli Mandal, Krishna District.

Respondent

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ORAL ORDER:

Heard both sides.

In this Writ Petition, petitioner seeks a Mandamus declaring the show-cause notice, dated 12.7.2005 issued by the respondent under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 9 of 1977 (hereinafter referred to as 'the Act') in respect of lands to an extent of Ac. 1.01 cents in S.No. 151/2C, sitauted at Nutchumilli Village, Mandavalli Mandal, Krishna District, as illegal and consequently set aside the same.

It is stated that since the date of purchase, petitioner has been in continues possession and enjoyment of the said land and he has been continuously paying the revenues to the authorities. While the matter stood thus, on 12.7.2005, the respondent issued the impugned show-cause notice. It is also stated that the provisions of the Act are not applicable to the land in question. It is further stated that the petitioner submitted an explanation, dated nil, to the said notice. However, the respondent has not taken any further steps based on the said explanation. Hence, the Writ Petition.

Having heard the learned counsel for the petitioner, the learned Government Pleader appearing for the respondent and perused the material available on record and in view of the facts and circumstances of the case, especially in view of the fact that the explanation submitted by the petitioner is pending before the respondent, without expressing any opinion on the merits of the case, I deem it appropriate to direct the respondent to dispose of the said explanation.

The Writ Petition is accordingly disposed of directing the respondent to consider the explanation, dated nil, submitted by the petitioner and pass appropriate orders, after giving due opportunity to the petitioner, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondent shall not interfere with the possession of the petitioner in respect of the land in question. No Costs.

ELIPE DHARMA RAO,J

DATED: 3.8.2005

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